

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cr238(10)

UNITED STATES OF AMERICA

vs.

MARK ERIC DORSEY, II (10)

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ORDER

THIS MATTER is before the Court upon the government's Motion to Revoke the magistrate judge's release order in Central District of California, pursuant to 18 U.S.C. § 3145(a). (Doc. No. 109).

The defendant was recently arrested in another district pursuant to an indictment returned in this district charging him as part of a conspiracy to possess with intent to distribute 1,000 kilograms or more of marijuana, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). (Doc. No. 96: Second Superseding Indictment). A magistrate judge in that district released the defendant after a hearing on March 8, 2011.

A district court is required to make an independent, de novo determination when acting on a motion to review a magistrate judge's pretrial release order. United States v. Stewart, 19 F. App'x 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992)). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings, or may state additional reasons supporting the decision. King, 849, F.2d at 490-91.

Accordingly, the Court has reviewed the entire record in this case de novo, including the government's Motion to Revoke and the Pretrial Services Report from the Central District of California. While this case qualifies for the rebuttable presumption in favor of detention, 18 U.S.C. § 3142(e)(3), the Court finds that the magistrate judge correctly concluded that a combination of conditions would reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

IT IS, THEREFORE, ORDERED that the government's Motion to Revoke Release Order (Doc. No. 109) is **DENIED**._____

Signed: March 9, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

